

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Dec 01, 2020**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Benjamin L. Higgins

Case Number: 0980 2:17CR00216-SMJ-1

Address of Offender:

Wellpinit, Washington 99040

Name of Sentencing Judicial Officer: The Honorable Salvador Mendoza, U.S. District Judge

Date of Original Sentence: January 28, 2020

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. §§ 922(g)(1), 924(a)(2)

Original Sentence: Prison - 30 months;  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Earl A. Hicks

Date Supervision Commenced: January 30, 2020

Defense Attorney: Federal Defender's Office

Date Supervision Expires: January 29, 2023

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**PETITIONING THE COURT**

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 11/10/2020.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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4	<b><u>Mandatory Condition #1:</u></b> You must not commit another federal, state or local crime.
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**Supporting Evidence:** On November 25, 2020, Benjamin Higgins is alleged to have violated mandatory condition 1 by being arrested by the Cheney Police Department. Mr. Higgins was charged with residential burglary - domestic violence, case 1-20-001128.

On December 1, 2020, the undersigned officer reviewed Cheney Police Department's field case reports relative to Mr. Higgins' arrest on November 25, 2020. According to the reports, at approximately 10 p.m., on November 25, 2020, law enforcement officers were dispatched to a burglary in progress. While responding to the address, dispatch provided a description of the vehicle leaving the scene to the officers. The law enforcement officers observed the vehicle matching the description and activated their lights and sirens in their fully marked patrol car in order to initiate a traffic stop. At first the vehicle refused to pull over, but eventually stopped and the officers identified Mr. Higgins as the operator and sole occupant of the vehicle.

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Following the interview with the victim and Mr. Higgins, and the investigation of the residential burglary, it was determined that Mr. Higgins forced his way into the residence by kicking the front door and breaking the locking mechanisms. Furthermore, while in the residence, Mr. Higgins forcibly removed a mounted television from the wall and took the property outside when he left as the victim called 911. Mr. Higgins was arrested, transported to the Spokane County Jail, and booked for the aforementioned crime.

On February 6, 2020, Benjamin Higgins signed his judgment for case number 2:17CR00216-SMJ-1, indicating he understood all conditions ordered by the Court. Specifically, Mr. Higgins was made aware by his U.S. probation officer that he must not commit another federal, state or local crime.

5        **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** It is alleged that Mr. Higgins violated special condition 3 by failing to report for scheduled urinalysis (UA) testing on November 17 and 25, 2020. This was confirmed by the Pioneer Human Services UA attendance roster.

On February 6, 2020, Benjamin Higgins signed his judgment for case number 2:17CR00216-SMJ-1, indicating he understood all conditions ordered by the Court. Specifically, Mr. Higgins was made aware by his U.S. probation officer that he must report for random urinalysis sampling as required.

On February 6, 2020, Mr. Higgins was placed on random urine testing with Pioneer Human Services and was required to provide a sample when his assigned color was called. He failed to report for testing on November 17 and 25, 2020.

The U.S. Probation Office respectfully recommends the Court **issue a WARRANT** and incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:     December 1, 2020

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s/Mark E. Hedge

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Mark E. Hedge  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



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Signature of Judicial Officer

12/01/2020

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Date